

pursued by any officer authorized by this article to make arrests, and if said boat or vessel apprehended by said officer shall be found to have on board any wet oysters, or the dredges, or dredge line, or deck wet, indicating the taking of oysters at said time, and properly equipped for taking or catching oysters with scoop, scrape, drag or dredge or similar instrument, such fact shall be *prima facie* evidence that the said boat or vessel has been used in violation of the provisions of this article; and it shall be the duty of the officer to arrest the person in command of said boat or vessel, together with all her equipments, and bring the same before a judge or justice of the peace of the county having jurisdiction, or, if in the Chesapeake bay, in the county most accessible or convenient, to be dealt with according to law; provided that nothing in this article shall be construed to prohibit vessels from seeking harbor in any waters of this State. The provisions of this section shall extend to all boats licensed to take oysters with scoop or scrape by any county of this State.

See notes to sec. 20.

### State Fishery Force.

1904, art. 72, sec. 33. 1894, ch. 380, sec. 32.

34. The board of public works are empowered and directed to purchase for each of the guard boats such arms and ammunition as may be necessary to make them efficient, and the officers of such boats shall be authorized to use such arms, in their discretion, for the enforcement of the provisions of this article.

Under section 25 of article 72 of the code of 1888, neither the board of public works nor the commander of the state fishery force was personally liable for the abuse by a deputy commander of the discretion vested in him in the use of fire arms. An objection addressed not to the constitutionality of said section but to the consequences of its possible abuse, overruled. *Mister v. Brown*, 59 Fed. 909. And see *Riggin v. Brown*, 59 Fed. 1005.

As to fish and fisheries, see art. 39.

As to the duties of the state fishery force relative to wild fowl, birds and game, see art. 99, sections 6 and 57.

As to the duties of the state fishery force relative to terrapins, see art. 92.

*Ibid.* sec. 34. 1894, ch. 380, sec. 33.

35. For the more efficient working of the state fishery force, the waters of this State shall be divided into seven districts, of which the waters of Kent and Queen Anne's shall be the first; the waters of Queen Anne's and Talbot shall be the second; the waters of Talbot and Dorchester, the third; the waters of Wicomico, the fourth; the waters of Somerset, the fifth; the waters of Anne Arundel, the sixth; the waters of St. Mary's, Charles and Calvert, the seventh; each of the said districts shall be guarded by one sailing vessel, except the second, which shall be guarded by two; and the third, which shall be guarded by four; and the sixth and seventh, which shall be guarded by two each; and it shall be the duty of the deputy commander of the first district to guard the waters of Chester river belonging to Queen Anne's county, and the